

S. No.213+252

2024:PHHC:004144

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:12.01.2024

1. CRM-M-12316 of 2023

Kuldeep Singh @ Happy
Vs.

.....Petitioner

State of Punjab

.....Respondent

2. CRM-M-16456 of 2023

Nirmaan Singh @ Sukhi
Vs.

.....Petitioner

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. S.P.K. Phoolka, Advocate for the petitioner
in CRM-M-12316 of 2023.
None for the petitioner in CRM-M-16456 of 2023.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of these two petitions filed under Section 439 Cr.P.C.,
petitioners pray for grant of regular bail in case FIR No.115 dated 19.08.2022
registered under Section 22(c) of Narcotic Drugs and Psychotropic Substances
Act, 1985 at Police Station Raman, District Bathinda.

This is the second petition filed by both the petitioners. Earlier bail
petition i.e. CRM-M-47597 of 2022 was dismissed as withdrawn on 01.12.2022.

As per the allegations, 15 bottles of syrup containing ONEREX
Cough Syrup (Chlorpheniranmine Maleate & Codeine Phosphate Syrup), with
total quantity of 100 ml. each i.e. 1500 ml of syrup was recovered from the joint
possession of the two petitioners, Kuldeep Singh and Nirmaan Singh on
19.08.2022.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated; that they are in custody for the last 01 year 04 months and 22 days, the trial may take long time to concluded and that they are also not involved in any other case, so they be allowed bail.

Learned State Counsel opposed the petition by contending that commercial quantity of the contraband was recovered from the two petitioners. However, it is conceded by learned State Counsel that the petitioners have no criminal antecedents.

As per the custody certificates, both the petitioners are in custody for the last 01 year 04 months and 22 days.

It is also informed by learned State Counsel, on instructions from ASI Karamjit Singh, that out of 10 witnesses cited by the prosecution, only two have been examined so far and thus trial may take time to conclude.

Having regard to all the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petitions are allowed. Petitioners are admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the file of connected case.

January 12, 2024
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Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(DEEPAK GUPTA)
JUDGE